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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/029,829      | 12/27/2001  | Zhun Zhong           | US 010719           | 5503             |

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
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EXAMINER

LEE, Y YOUNG

ART UNIT PAPER NUMBER

2613

DATE MAILED: 04/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/029,829

**Applicant(s)**

ZHONG ET AL.

**Examiner**

Y. Lee

**Art Unit**

2613

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2005.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-21 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/22/05 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

1. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishiyama (2001/0008544) in view of Reininger et al (5,426,463) for the same reasons as set forth in Section 9 of the previous office action, dated 7/20/04.

Ishiyama, in Figures 1-9, discloses a picture encoding system conversion device and encoding rate conversion device that is substantially the same system and method for encoding a stream of data blocks using a scalable encoder as specified in claims 1-21 of the present invention, the method comprising the steps of receiving a stream of data blocks; storing the received data blocks in a buffer 21; encoding a first sequence of the stored data blocks 39 from the buffer 21 to produce a first encoded data block; monitoring the fullness level 52 of the buffer 21 for comparison with a predetermined threshold range A3; and adjusting the complexity of the encoder (C1, C2) based on the comparison outcome (B1-B4).

With respect to claims 2, 4, 6-10, and 12-16, Ishiyama also discloses the step of decreasing or increasing the complexity of the encoder (C1, C2) when the fullness level of the buffer exceeds an upper limit or is below a lower level of the predetermined threshold range, respectively (B1-B4); encoding a second data block at the decreased or increased complexity to produce a second encoded data block A5; maintaining the complexity of the encoder when the fullness level of the buffer falls within the predetermined threshold range A4; and storing the first encoded data blocks in a memory medium 26 for subsequent retrieval; wherein the fullness level of the buffer A2 is determined based on an input rate of the stream of video frames 52 and processing

feedback information 105 from the encoder 39 after producing the first encoded data block.

Although Ishiyama discloses the steps of increasing and decreasing the complexity of the encoder, it is noted Ishiyama differs from the present invention in that it fails to particularly disclose using a predetermined encoding configuration table as specified in claims 1-21. Reininger et al however, in Figures 4-6, teaches the concept of such well known encoding technique according to a predetermined encoding configuration table (e.g. Fig. 4), the configuration table using a plurality of complexities (e.g. Old  $q_i$  and  $xs\_frac$ ) and encoding options (e.g. updated quantization factors).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, having both the references of Ishiyama and Reininger et al before him/her, to exploit the common predetermined encoding configuration tables as taught in Reininger et al in the encoding method of Ishiyama in order to more precisely control the encoding system based upon the amount of compressed output data being lesser or greater than a predetermined range.

### ***Response to Arguments***

2. Applicant's arguments filed 2/22/05 have been fully considered but they are not persuasive. In response to applicant's argument on pages 10 and 11 of the Remarks that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., using information associated with only the input buffer to determine adjustment of the encoding rate) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from

the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Y. Lee whose telephone number is (571) 272-7334. The examiner can normally be reached on (571) 272-7334.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Y. Lee  
Primary Examiner  
Art Unit 2613

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